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Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba

Report of the Secretary-General

Contents

		Paragraphs	Page
I.	Introduction	1–3	4
II.	Replies received from Governments		4
	Algeria		4
	Angola		4
	Antigua and Barbuda		5
	Argentina		5
	Armenia		5
	Bahamas		6
	Barbados		6
	Belarus		6
	Bolivia		6
	Botswana		7
	Brazil		7
	Burkina Faso		7
	Cambodia		7

* A/53/150

98-25884 (E) 300998 051098

Cape Verde 8
China 8
Colombia 8
Cuba 8
Cyprus 15
Dominican Republic 15
Ecuador 15
Ghana 16
Guyana 16
Haiti 16
India 16
Indonesia 17
Iraq 17
Jamaica 18
Japan 18
Lao People's Democratic Republic 18
Latvia 19
Lebanon 19
Libyan Arab Jamahiriya 19
Liechtenstein 20
Malawi 20
Mexico 20
Myanmar 21
Namibia 21
Norway 22
Panama 22
Papua New Guinea 23
Peru 24
Philippines 24
Poland 24
Russian Federation 25
Slovenia 26
Sudan 26
Suriname 26

Syrian Arab Republic 27
Trinidad and Tobago 27
Turkey 27
Ukraine 27
United Kingdom of Great Britain and Northern Ireland (representing the Presidency of the Council of Ministers of the European Union) 28
United Republic of Tanzania 28
Uruguay 28
Venezuela 29
Viet Nam 29
Zimbabwe 30
III. Observer missions to the United Nations 30
Holy See 30
IV. Replies received from organs and agencies of the United Nations system 31
Office of the Resident Coordinator of the United Nations system's operational activities for development 31
United Nations Children's Fund 32
United Nations Development Programme 33
Economic Commission for Latin America and the Caribbean 33
United Nations Population Fund 34
World Health Organization 34

I. Introduction

1. On 5 November 1997, the General Assembly adopted resolution 52/10, entitled "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba" in which it requested the Secretary-General, in consultation with the appropriate organs and agencies of the United Nations system, to prepare a report on the implementation of the resolution in the light of the purposes and principles of the Charter of the United Nations and international law and to submit it to the Assembly at its fifty-third session.

2. Pursuant to the request, by a note dated 20 February 1998, the Secretary-General invited Governments and organs and agencies of the United Nations system to provide him with any information they might wish to contribute to the preparation of his report.

3. The present report reproduces the replies from Governments and from organs and agencies of the United Nations that had been received as of 13 August 1998. Further replies will be reproduced as addenda to the present report.

II. Replies received from Governments

[Original: French]
[25 June 1998]

Algeria

1. Algeria fully supported resolution 52/10, entitled "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba", and voted in favour of it. It therefore fully endorses the provisions of paragraphs 2 and 3 of the resolution.

2. Accordingly, the Algerian Government has neither promulgated nor applied any laws and/or regulations whose extraterritorial effects undermine the sovereignty of other States.

Angola

[Original: English]
[17 June 1998]

1. As a member of the United Nations, the Republic of Angola abides by and complies with all principles and objectives of the Organization as stated in the Charter and, in that connection, Angola fully supports all measures designed to foster the compliance with those principles and objectives, as reflected in the preamble of the resolution in question.

2. The Republic of Angola realizes with great apprehension that six years have elapsed since the adoption of the first resolution on that matter. Now, however, instead of the gleaning promising signs of a dialogue among the parties concerned which would bring about an end of this long blockade, the United States Senate is still adopting harsher and harsher measures, inflicting great hardship upon the already suffering people of Cuba.

3. We would like to state that Angola will abstain from adopting any such measures and will continue to cooperate with the United Nations – as always – towards the achievement of the Organization's goals of promoting the fundamental principles of the Charter and international law.

4. We deplore the fact that, in spite of the adoption of another resolution on the subject, practical action has been taken for the lifting of the unfair economic, trade and financial blockade against Cuba. We urge the international community to lend its support to the people and the country of Cuba in their struggles to offset the nefarious consequences of the blockade.

5. The Angolan Government is persuaded that the United States President Bill Clinton and his administration will do their best during this year in order to offer the people of Cuba the option of exercising in an unfettered manner their economic rights in international relations.

Antigua and Barbuda

[Original: English]
[11 March 1998]

The Government of Antigua and Barbuda neither supports nor condones any act that goes contrary to the requirements of resolution 52/10, entitled "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba".

Argentina

[Original: Spanish]
[30 April 1998]

1. On 5 September 1997 the Government of the Argentine Republic promulgated Act No. 24.871, which is in force throughout the national territory. Its text is annexed hereto.

2. Under this Act, foreign legislation which is aimed, directly or indirectly, at restricting or impeding the free flow of trade and the movement of capital, goods or persons to the detriment of a given country or group of countries shall neither be applicable nor have legal effects of any kind within the national territory.

3. Furthermore, in accordance with article 1 of the aforesaid Act, foreign legislation which seeks to have extraterritorial effects through the imposition of an economic embargo or limits on investment in a given country in order to elicit a change in the form of government of a country or affect its right to self-determination shall also be utterly inapplicable and lacking in legal effect.

Armenia

[Original: English]
[9 July 1998]

In the Armenian legal regime there is no law or measure of the kind referred to in General Assembly resolution 52/10.

Bahamas

[Original: English]
[28 April 1998]

The Bahamas has not promulgated or applied laws or measures against Cuba that would prohibit economic, commercial or financial relations between our two countries.

Barbados

[Original: English]
[17 July 1998]

1. Barbados has no laws that in any way restrict the freedom of trade and navigation with Cuba.

2. Barbados has consistently voted in favour of resolutions on the necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba, since the first such resolution was introduced in the General Assembly during its forty-sixth session in 1991.

Belarus

[Original: English]
[18 March 1998]

1. The Republic of Belarus once again associates itself with the call of the General Assembly to refrain from promulgating and applying laws and measures that are directed against the freedom of international trade and affect the sovereignty of other States as well as infringe on lawful interests of juridical and physical entities.

2. The Republic of Belarus fully supports the peaceful solution of disputes between the United States and Cuba by means of negotiations. The Republic of Belarus stands for the creation of favourable conditions for unlimited development of trade links and economic cooperation between Cuba and all other countries, including the United States of America.

3. In accordance with norms of international law and its obligations under the Charter of the United Nations, the Republic of Belarus has no intention of promulgating laws or measures that are directed against other States and confirms its support to the principles referred to in the preamble to resolution 52/10.

Bolivia

[Original: Spanish]
[14 July 1998]

The Government of the Republic of Bolivia has not adopted any laws or measures of the kind referred to in the resolution. Consequently, there are no provisions, measures or laws which the Government of Bolivia would have to repeal or invalidate in this regard.

Botswana

[Original: English]
[15 July 1998]

The Republic of Botswana has not promulgated and applied laws and measures of the kind referred to in the preamble of General Assembly resolution 52/10 in conformity with its obligations under the Charter of the United Nations and international law.

Brazil

[Original: English]
[26 May 1998]

1. Brazil reiterates its position that discriminatory trade practices and extraterritorial application of domestic laws run counter to the need for promoting dialogue and ensuring the prevalence of the principles and purposes of the Charter of the United Nations.

2. In accordance with resolutions 47/19, 48/16, 49/9, 50/10, 51/17 and 52/10, Brazil did not promulgate or apply any law, regulation or measure the extraterritorial effects of which could affect the sovereignty of other States, the legitimate interests of entities or persons under their jurisdiction, or the freedom of trade and navigation.

3. Brazil's legal system does not recognize the validity of the application of measures with extraterritorial effects. Companies located in Brazil are subject exclusively to Brazilian legislation.

4. Measures by any country which violate the provisions of resolution 52/10 and which attempt to compel the citizens of a third country to obey foreign legislation affect the interests of the international community as a whole and violate generally accepted principles of international law. They should be reviewed and changed, where appropriate, in order to bring them into conformity with international law.

5. Governments not complying with resolution 52/10 should urgently take further steps to eliminate discriminatory trade practices and bring to an end unilaterally declared economic, commercial and financial embargoes.

Burkina Faso

[Original: French]
[13 May 1998]

Burkina Faso has never promulgated or applied any laws and measures of the kind referred to in the preamble to the resolution in question. Consequently, its position remains consistent with its obligations under the Charter of the United Nations and international law with regard to the freedom of trade and navigation.

Cambodia

[Original: French]
[23 June 1998]

The Government of the Kingdom of Cambodia, in accordance with the views it expressed at previous sessions of the General Assembly, believes that it is duty-bound to express its solidarity with the innocent people of Cuba and its view that the time has come to free them from the embargo imposed against them for more than 30 years.

Cape Verde

[Original: English]
[14 July 1998]

The Government of Cape Verde has not taken any measure counter to General Assembly resolution 52/10.

China

[Original: English]
[14 July 1998]

1. China has always opposed resorting to such measures as sanctions in conducting country-to-country relations. The embargo and sanctions imposed against Cuba by the United States over the past 30 years have not only immensely hampered social and economic development in Cuba and inflicted tremendous impairment on the welfare and health of the Cuban people, particularly women and children but have also had negative impacts on the normal economic and trade exchanges between Cuba and many countries, seriously jeopardizing their legitimate right and interests.

2. Sovereign equality, non-interference in other countries' internal affairs and other relevant norms governing international relations should be duly respected. Every country has the right to choose, according to its national circumstances, its own social system and mode of development, and no other country has the right to interfere.

3. The differences and problems that exist among countries should be resolved through peaceful dialogue and negotiations. The United States should, in accordance with the purposes and principles of the Charter of the United Nations and relevant resolutions of the United Nations, put an end to the economic, commercial and financial embargo it has imposed against Cuba and enter into dialogue with Cuba, in order to resolve the disputes they encounter, on the basis of equality and mutual respect for sovereignty.

Colombia

[Original: Spanish]
[30 April 1998]

The Government of the Republic of Colombia, maintaining its traditional position of respect for the self-determination of peoples and non-intervention in the internal affairs of any State, has neither promulgated nor applied unilaterally any laws or measures against Cuba or any other State which could affect the free development of that State's economy or trade.

Cuba

[Original: Spanish]
[2 July 1998]

1. The General Assembly successively adopted resolutions 47/19, 48/16, 49/9, 50/10, 51/17 and 52/10, in which it called for the elimination of the economic, commercial and financial embargo which the Government of the United States of America has imposed against Cuba for nearly four decades.

2. In adopting these resolutions, the Member States also expressed their rejection of the promulgation and application of laws and regulations, the extraterritorial effects of which affect the sovereignty of other States, the legitimate interests of entities or persons under their jurisdiction and the freedom of trade and navigation.

3. In addition, they reiterated their call on all States to refrain from promulgating and applying measures of this kind, such as the well-known Helms-Burton Act, and to take the necessary steps to repeal or invalidate them as soon as possible.

4. The isolation of the United States in imposing its embargo policy against Cuba and the international community's rejection of this policy have been manifested by the votes taken on these resolutions, which have steadily consolidated a growing and overwhelming trend towards votes in favour: from 59 in 1992 to 143 in 1997, representing over 77 per cent of all Member States.

5. At the same time, an ever-increasing number of voices have joined the international community's call for the embargo's elimination, and its total lifting has been demanded by practically every State in the world, as well as by numerous multilateral forums, international organizations, regional institutions and groups, Governments, personalities from all over the world and non-governmental organizations. His Holiness Pope John Paul II expressly condemned this policy during his visit to Cuba in January 1998, describing it as immoral and ethically unacceptable.

6. The recent Ministerial Meeting of the Coordinating Bureau of the Movement of Non-Aligned Countries, held in Cartagena, Colombia, reiterated the Movement's call for the total elimination of the embargo and again rejected, on several occasions, the application of economic coercion and other measures, including extraterritorial laws, against developing countries to prevent them from exercising their right to determine freely their own political, economic and social systems.

7. On that occasion, the Ministers for Foreign Affairs of non-aligned countries meeting in Cartagena also called on all countries not to recognize unilateral extraterritorial laws, and reaffirmed that such laws contradicted norms of international law and ran counter to the purposes and principles of the Charter of the United Nations.

8. Likewise, in the reports of the Secretary-General contained in documents A/49/398, A/50/401, A/51/355 and A/52/342, a number of United Nations agencies, funds and programmes highlighted the adverse impact of the embargo against Cuba on their various areas of competence, as well as on the Cuban population.

9. However, the rejection of the embargo policy against Cuba and of its consequences are not confined to international forums. Many sectors of society in the United States, representing various tendencies, have also progressively joined in this rejection, including prominent Republican and Democratic Party members, religious figures, business people, non-governmental organizations, academic institutions and a significant segment of the population of Cuban origin residing in that country.

10. Nonetheless, the Government of the United States of America not only continues to ignore the call of the international community and of sectors of its own population, but has also reiterated its intention to maintain and deliberately step up its enforcement of this policy. In so doing, the Government of that country is once again demonstrating its disregard for the standards and principles enshrined in the Charter of the United Nations and in international law, and the lack of respect it accords to the decisions of the United Nations General Assembly and to the opinion of the international community and of many of its own citizens. Recently, following the adoption of resolution 52/10, that Government has maintained in force and strengthened the application of the laws and decisions that make

up its embargo policy against Cuba, including the well-known Torricelli and Helms-Burton Acts.

11. As a result of the tightening of this policy, the Cuban economy's opportunities for development have continued to suffer through the cancellation of export contracts, the deterioration of external financing conditions and the interruption of financing for the sugar sector, reduced capacity to purchase fuel and food, increased shipping costs, surcharges on imports and delays in the establishment of joint ventures and economic partnerships owing to intimidation campaigns and the enforcement of the Helms-Burton Act against interested companies.

12. The impact of this entire policy has already cost the Cuban economy more than $60 billion, representing about three times the value of the country's gross domestic product (GDP). This figure is increasing by the day, with consequent adverse effects on Cuban families.

13. With respect to the effect of this policy on external trade operations for the purchase of food, the strict maintenance of measures under the embargo continues to have a direct impact on the population's supply of staple foods by severely limiting opportunities for importing and negotiating for a series of products related to agricultural production, particularly sugar production, which relies heavily on such products and constitutes a crucial branch of the economy for the welfare of the Cuban population.

14. In financial operations linked to this sector, banks still maintain discriminatory practices against Cuban banks, such as the imposition of surcharges for all operations and of the "Cuba risk" factor, which usually increases the cost of foreign transactions effected by Cuban enterprises by 3 to 5 per cent of their total value, though it may reach higher levels.

15. The impossibility of using United States dollars in transactions with foreign entities continues to generate additional expenses, since the banks with which Cuba deals cannot effect transactions directly in international money markets, but must operate through third parties.

16. The fact that transfers originating in Cuba must be effected through third parties and may sometimes involve more than three banks in reaching their destination means that payments made by any Cuban entity have value dates which are far removed from what is usual in international practice. The excessive delay which this mechanism causes in the receipt of the funds by the final beneficiary of a given payment results in higher costs.

17. In addition to the credits which the country has lost because of United States pressures, the credits which Cuban enterprises manage to obtain for the marketing of any product have terms and conditions that are much more onerous than those established in international practice, with shorter amortization periods and higher interest rates that can sometimes even double normal rates.

18. The embargo's main effect on the transport of food is to increase shipping costs, since it denies Cuba access to the United States market. In 1997, the additional costs incurred in this area alone amounted to over $21 million.

19. The restriction in force whereby ships that enter Cuban ports are not allowed to enter any United States port for the following six months discourages many potential competitors from engaging in the transport of Cuban purchases, while those who do engage in such transport charge above-market rates.

20. Moreover, shippers willing to enter Cuba often have vessels that could never meet the standards required by the United States for entry into its ports. In these cases, there is a greater risk of disaster or accident and of damage to shipments, and this is reflected in

higher cargo insurance rates, which may range from 1.25 to 3.75 per cent of the value of the merchandise.

21. In 1997, Cuba's food import contracts were concluded at prices which totalled some $48 million higher than the prices that could have been obtained in the United States market.

22. In 1997 and thus far in 1998, the embargo also significantly damaged imports in other sectors related to food production, such as fertilizers, herbicides and pesticides for the cultivation of sugar cane and other crops. A number of companies were unable to do business with Cuba because their products had been made in the United States or contained components from that country.

23. For example, at the end of last year, the Dow Chemicals group of the United States bought 100 per cent of the shares of South Africa's Sentrachem group, the owner of the Sanachem company, with which the Cuban entity Quimimport had maintained significant and stable trade relations since 1992.

24. Between 1992 and 1997, the total value of imported pesticides had amounted to more than $82 million in highly competitive conditions. Since the acquisition of the South African firm by Dow Chemicals, and despite the willingness of the South African authorities, the supplier and the United States company to maintain business relations with Cuba, the United States Department of the Treasury did not authorize this entity to continue its business relations with the island and even refused to grant a licence to cover shipments already in transit.

25. Owing to this refusal, important supplies to be used for Cuban agriculture could not reach their destination; this affected areas planted with various food crops and had a significant economic impact on the country.

26. With respect to medicines, the United States Government has tried to manipulate the facts on various occasions by claiming that it does not apply an embargo policy, based on the provision made in the Torricelli Act for the granting of licences for the sale of medicines to Cuba. However, a number of studies by researchers and institutions of the United States itself have refuted these statements by demonstrating their unsustainability and inconsistency.

27. The Congressional Research Service, which provides information to members of Congress on specific issues, prepared a memorandum dated 28 April 1998 on reports issued by the United States Departments of State, Treasury and Commerce which had indicated that, since 1992, 36 licences had been granted for the sale of medicines to Cuba, for a total value of $1.67 million.

28. This analysis reveals inconsistencies in the data provided by these Departments on the number of licences granted or approved, as well as on the classification of these licences, since licences granted for the purpose of donating medicine to Cuba through international organizations are grouped together with licences for commercial drug sales, and licences granted prior to the entry into force of the Torricelli Act are included even though they are not governed by the provisions of that law. Likewise, the analysis detects irregularities that point to a lack of clarity in the calculation of the value of the licences which are said to have been granted.

29. Lastly, the document notes that the Department of Commerce acknowledged that it did not keep statistics on shipments of medicine once the licences had been granted; in other words, the United States Government's own organs have not verified whether the sales authorized by the licences supposedly granted have actually been made.

30. The falseness of the Department of State's affirmations has already been indicated in a previous report of the Secretary-General (A/52/342), which noted that, in practice, the United States Administration has not only prohibited the sale of medicines and medical equipment to Cuba, but has also misinformed and discouraged interested pharmaceutical companies in order to prevent them from applying for licences, or has delayed its replies to or processing of any applications which may have been submitted to it by pharmaceutical companies for this purpose.

31. A report published in March 1997 by the American Association for World Health recognized that the groups most strongly affected by the embargo are women, children and the elderly. For example, Cuban children with cancer cannot be treated with certain drugs manufactured in the United States which would increase their life expectancy, nor is it possible to purchase special arterial catheters that would help to prevent unnecessary suffering.

32. Cuba has received donations of medical equipment produced in the United States for which the sale of replacement parts is prohibited. Such is the case of dialysis units and neonatal respirators for babies with low birth weight or other problems.

33. Using examples such as these, it would be possible to draw up a long list of drugs and equipment in various branches of medicine to which the Cuban population is denied access by the embargo.

34. The absorption of third-country corporations and enterprises by United States pharmaceutical firms, which has been a common occurrence recently, automatically extends the embargo, making it more difficult and costly for Cuba to obtain medical supplies.

35. The fact that Cuba's health indicators are still comparable to those of the most developed countries, despite the embargo's dramatic impact in the health sphere, reflects the Cuban Government's efforts to support this sector and the skill and dedication of Cuban health workers, which have been internationally recognized.

36. At the same time, the United States is intensifying its implacable pursuit of all Cuba's economic, commercial and financial operations abroad in order to prevent, discourage or hamper them. In addition, the United States Government has sent warning letters to companies in third countries, has denied them visas and prosecuted their employees and has imposed heavy fines on United States port authorities for visiting Cuba.

37. On 12 March 1998, the second anniversary of the enactment of the Helms-Burton Act, the head of the Department of State's Office of Cuban Affairs, Michael Ranneberger, said that the measures taken with respect to foreign companies that invested in Cuba had had a significant impact on the Cuban economy, that the law increased penalties for those who tried to violate the embargo and that it sent the message that "violations" would not be tolerated.

38. According to Mr. Ranneberger, "since enactment of the Act, 19 firms from over six countries have changed their plans for investment in Cuba or have pulled out of investments there", "The Cuban Government is finding it more difficult to obtain financing, and potential investors face the same problem", "Interest rates ... have been driven to as high as 22 per cent" and "as part of our investigative effort, we have contacted an additional 12 companies from seven countries about their activities in Cuba" with a view to pressuring them to stop those activities. It was recently revealed that some firms with interests in Cuba's petroleum sector, such as the Canadian company Genoil and the United Kingdom companies Premier Oil and British Borneo Petroleum Syndicate, were targets of such pressure.

39. Monitoring and pressure by the United States Government are not confined to companies that try to carry out some type of economic or commercial transaction with Cuba; that Government has even tried to block cooperation by non-governmental organizations.

40. For example, in November 1997, the United States Department of the Treasury froze $1.3 million belonging to the Spanish non-governmental organization Mugarik Gabe because those funds were earmarked for a humanitarian project involving the construction of livestock-raising infrastructure in a rural community in Cuba. The Department stated that the action had been taken under the Helms-Burton Act because the funds were in United States currency. However, as a result of legal action and the arguments put forward by many European non-governmental organizations, this extraterritorial action by the United States Government was successfully aborted and the funds were unfrozen.

41. It is clear that the extraterritoriality of the embargo policy against Cuba continues to harm firms in third countries by depriving them of the profits they could reap from their relations with Cuban enterprises, and even prevents the people of the United States itself and of the international community from gaining access to benefits in important areas such as health.

42. As a recent example, the United Kingdom firm SmithKline Beecham Pharmaceuticals had to request a licence from the United States Government to test the effectiveness of a Cuban vaccine against meningitis B in one of its laboratories in Belgium which is a subsidiary of a United States firm. In addition, it will have to meet a series of conditions that limit the profits which the Cuban Government may obtain from these tests. According to World Health Organization (WHO) and Pan American Health Organization (PAHO) evaluations, the Cuban vaccine is the one which has proved most effective in preventing this disease. To date, this authorization has not been given, though even United States legislators are in favour of its issuance.

43. On 20 March 1998, the United States Administration decided to take certain measures in relation to Cuba, which are confined to the resumption of direct non-commercial flights between the two countries, the authorization of limited monetary remittances to relatives in Cuba and the simplification of the licensing process for the sale of medicines and medical supplies and equipment to the island. At the time they were taken, these steps created expectations of a certain willingness on the part of the United States to make some of the regulations under the embargo more flexible.

44. However, these measures represent neither a change nor greater flexibility in the embargo policy; rather, they reinstate and tighten similar measures that existed in the past. In announcing them, the United States Secretary of State herself, Ms. Madeleine Albright, and other Department of State officials reaffirmed that the United States would "maintain economic pressure through the embargo and the Helms-Burton Act".

45. In addition, these measures continue to constitute discriminatory treatment of Cuban emigrants residing in the United States, and strengthen the control mechanisms that impede family reunification, freedom of travel and the sending of family assistance.

46. In relation to travel, at a press conference on 13 May, Administration officials said that they would intensify their scrutiny and redouble their vigilance by tightening controls and requiring airlines to monitor strictly the identity of passengers to ensure that they did not travel more than once a year. Persons who travelled at the invitation of Cuban institutions would not be allowed to use direct flights and would be presumed to have violated the regulations of the embargo unless they could demonstrate otherwise. In the absence of convincing evidence, they would be penalized.

47. With respect to remittances, the issuing institutions would require an affidavit and the agencies participating in such remittances would be audited systematically.

48. Following the announcement of these measures, Cuba expressed an interest in purchasing certain medical products in the United States, but companies in that country continued to claim that trade in that area was impossible owing to the embargo laws.

49. In April 1998, the United States Congress finally adopted a number of amendments with a view to tightening the enforcement of the embargo and its extraterritorial effects, particularly in relation to compliance with the provisions of the Helms-Burton Act, which had been denounced by the Cuban Government in the report of the Secretary-General (A/52/342) while they were still only proposals. Senator Helms has submitted a new bill with the same objective, designed to neutralize any attempt to introduce flexibility into his Government's policy towards Cuba. This bill, on the pretext of providing what is supposedly humanitarian aid, is intended to provide decisive support to the so-called opposition in Cuba to bring about social and political changes. Senator Helms himself said that his bill did not concern the embargo, but added a new dimension to it, which consisted of not only isolating Cuba, but also actively supporting the opposition.

50. The action taken by the Administration, the above-mentioned congressional initiatives and the rhetoric of government officials leave no doubt as to the United States' intention to maintain and tighten the embargo against Cuba.

51. On 18 May 1998, the United States and the European Union announced that they had reached an understanding on the standards to be applied for the protection of investments. This agreement is designed to facilitate cooperation to block transactions in any property which supposedly has been nationalized in contravention of international law.

52. This understanding represents an attempt to reconcile the differences between the two parties on this issue, which had stalled the negotiations on a multilateral investment agreement in the framework of the Organisation for Economic Cooperation and Development (OECD).

53. Although the document is worded in very ambiguous terms that do not clearly state its scope and real applicability, the United States is evidently using it to try to impose, in this area, the globalization of the main provisions of the Helms-Burton Act, particularly with a view to preserving its extraterritorial nature. The Secretary of State, Madeleine Albright, recognized that the understanding significantly advanced the goals supported by the Helms-Burton Act, thereby reaffirming that the United States Government is trying to legitimize the provisions of the Act by means of subterfuge, contrary to international law.

54. Speaking before the House Foreign Relations Committee of the United States Congress on 3 June, the United States Government's chief negotiator with the European Union, Stewart Eizenstat, said, with reference to the understanding, that the Administration had attained one of the main objectives of the Helms-Burton Act by truly globalizing the provisions of that law.

55. International law has recognized the legality and public benefits of the nationalization process in Cuba, as well as the willingness of the Cuban Government to award adequate and fair compensation on the basis of equality, respect and reciprocal claims.

56. The United States Government has never been willing to negotiate a settlement of its residents' claims with the Cuban Government, as other countries have done. Had the United States accepted the compensation proposal offered by Cuba at the time, all the claims would already have been paid.

57. The international community cannot allow disputes concerning an extraterritorial law to be settled at the price of the attempted globalization of genocidal laws such as the Helms-Burton Act or the continuation of the embargo against Cuba.

58. Arrogance and irrationality must not prevail over the principles of justice and respect among sovereign nations.

59. The United States Administration is increasingly isolated in its maintenance of the embargo. If the United States is genuinely interested in helping the Cuban people, to whom it has denied the right to well-being and development for so long, and if it really wants to correct its genocidal policy and show concern for the health and living standards of our people, then the only truly humanitarian gesture it can make is the immediate and unconditional lifting of the embargo.

Cyprus

[Original: English]
[3 June 1998]

Cyprus does not favour any attempt to enforce laws in its territory that are promulgated by other States. It is therefore opposed to the adoption of any measures that have extraterritorial application on its territory.

Dominican Republic

[Original: Spanish]
[14 July 1998]

The Dominican Republic confirms its support for the principles reaffirmed in resolution 52/10, adopted by the General Assembly on 5 November 1997, especially with respect to the need to guarantee freedom of trade and navigation, and reports that the Government of the Dominican Republic has not applied any measures related to those referred to in the preamble of resolution 52/10.

Ecuador

[Original: Spanish]
[16 March 1998]

1. The Permanent Mission of Ecuador wishes to reiterate what Ecuador has stated on many occasions, to the effect that it has not adopted, nor will it adopt in the future, any laws that run counter to the freedom of international trade or that violate the principle of non-interference in the domestic and international policies of States, which are expressly laid down in the Political Constitution of Ecuador and which, accordingly, are reflected in each and every legal, political and economic action taken by Ecuador, both domestically and internationally. Consequently, the country does not impose any kind of sanction against Cuba and maintains normal diplomatic, commercial and cultural relations with it. Accordingly, it has supported the communiqués issued by the European Union, the Rio Group and the Movement of Non-Aligned Countries in connection with this matter and, on the basis of these same considerations, has taken a very clear position on the Helms-Burton Act within the Organization of American States.

2. With respect to the draft resolutions submitted to the United Nations General Assembly that seek to condemn the Government of Cuba for its human rights policy, Ecuador considers that coercion is not an appropriate means of solving this problem, which, on the contrary, must be considered in a global context, and which, therefore, must be accorded universal and non-selective treatment.

Ghana

[Original: English]
[8 July 1998]

1. The Government of Ghana views with great concern the persistent non-compliance with resolutions 47/19, 48/16, 49/9, 50/10, 51/17 and 52/10, which seek to end the economic, commercial and financial embargo imposed by the Government of the United States of America against Cuba.

2. The Government of Ghana reaffirms its conviction that the promulgation of unilateral laws with extraterritorial application anywhere in the world, such as that promulgated on 12 March 1996 and known as the Helms-Burton Act, is unacceptable and goes against the principles of the sovereign equality of States, non-interference in internal affairs of States and freedom of international trade and navigation.

3. Accordingly, the Government of Ghana will continue to support Cuba against the unjustified economic blockade imposed by the United States of America.

Guyana

[Original: English]
[5 March 1998]

Guyana fully supported the resolution and voted in its favour. Guyana, therefore, is committed to paragraphs 2, 3 and 4 of resolution 52/10 and honours its mandate.

Haiti

[Original: French]
[27 July 1998]

The Republic of Haiti has not promulgated or applied any laws or regulations the extraterritorial effects of which affect the sovereignty of other States.

India

[Original: English]
[31 July 1998]

1. India has not promulgated or applied any laws of the type referred to in the preamble of the above mentioned resolution and, as such, the necessity of repealing or invalidating any such laws or measures would not arise.

2. India has consistently opposed any unilateral measures by countries which impinge on the sovereignty of another country. This includes any attempt to extend the application of a country's laws extraterritorially to other sovereign nations.

3. India recalls the communiqué adopted by the Ministerial Meeting of the Coordinating Bureau of the Non-Aligned Movement in Cartagena, Colombia, 19–20 May 1998 on this subject and urges the international community to adopt all necessary measures to protect the sovereign rights of all countries.

Indonesia

[Original: English]
[25 June 1998]

1. As stipulated in its 1945 constitution, Indonesia believes that independence is the right of every nation and that colonialism must be abolished in this world, because it is not in conformity with humanity and justice. In this context, Indonesia has consistently maintained a policy of strict compliance with the purposes and principles of sovereign equality of States, non-intervention and non-interference in internal affairs as well as freedom of trade and international navigation. Indonesia, therefore, has actively participated in the achievement and maintenance of a world order based on freedom, lasting peace and social justice.

2. In line with this policy, Indonesia is strongly against the promulgation and application of any laws or regulations that have extraterritorial effects or that affect the sovereignty of other States and the legitimate interests of entities or persons under their jurisdiction, which is a violation of the universally accepted principles of international law.

3. In this connection, Indonesia wishes to inform that it does not apply or promulgate such laws as referred to in General Assembly resolutions 47/19, 48/16, 49/9, 50/10 and 51/17.

Iraq

[Original: Arabic]
[Date: in Arabic]

1. With reference to General Assembly resolution 52/10 entitled "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba", the Government of Iraq would like to point out that Iraq pursues a foreign policy based on respect for the purposes and principles of the Charter of the United Nations and for international law. It does not seek to apply its domestic laws and legislation outside its national borders, nor does it adopt any measures in its economic or trade laws that could affect the sovereignty or legitimate interests of other States, or freedom of international trade and navigation.

2. The Government of Iraq affirms the need to end all forms of embargo and economic and commercial blockades that some of the great Powers seek to impose on other States on spurious and unsound pretexts. The only aim of these measures is to achieve political goals which are in flagrant violation of the purposes and principles of the Charter of the United Nations and the norms of international law. The Government of Iraq also considers it necessary to block all attempts to deprive any State of the opportunity to improve its economy or of the right to social development.

Jamaica

[Original: English]
[16 July 1998]

1. Jamaica voted in favour of resolution 52/10, adopted by the General Assembly on 5 November 1997, and has consistently voted in favour of the resolutions entitled "Necessity of ending the economic, commercial and financial embargo imposed by the United States Against Cuba" since the first one was adopted by the General Assembly at its forty-sixth session in 1991.

2. Further, Jamaica has not promulgated or applied any laws and measures of the kind referred to in the preamble to resolution 52/10 and remains firmly committed to the principles of international law and, in particular, to freedom of trade and navigation. The Government of Jamaica remains opposed to the extraterritorial application of national legislation that would seek to impose artificial barriers to trade and that runs counter to international law and the sovereign equality of States.

3. In line with a policy of mutual respect, good neighbourliness and respect for the principles enshrined in the Charter of the United Nations and international law, Jamaica has sought to expand and strengthen its relations with Cuba.

Japan

[Original: English]
[22 July 1998]

1. The Government of Japan has not promulgated or applied laws or measures of the kind that are referred to in paragraph 2 of resolution 52/10.

2. The Government of Japan believes that the economic policy of the United States towards Cuba should be considered primarily as a bilateral issue. However, Japan shares the concern, arising from the Helms-Burton Act of 1996 and the Cuban Democracy Act of 1992, regarding the problem of extraterritorial application of jurisdiction, which is likely to run counter to international law.

3. The Government of Japan has been closely following the situation in relation to the above-mentioned legislation and the surrounding circumstances, and its concern remains unchanged. Having considered the matter with the utmost care, Japan voted in favour of resolution 52/10.

Lao People's Democratic Republic

[Original: English]
[4 March 1998]

The Government of the Lao People's Democratic Republic expresses deep regret over the fact that the economic, commercial and financial embargo by the United States of America against Cuba is still in force. Such an embargo, with its extraterritorial implications, runs counter to the current international trend of peace, cooperation and development. As far as it is concerned, the Lao People's Democratic Republic, mindful of its obligations deriving from the Charter of the United Nations and international laws, has neither promulgated nor implemented laws and measures of this type. In our view, these laws and measures violate the sovereignty of other States and the freedom of trade and navigation.

Latvia

[Original: English]
[7 August 1998]

Latvia has not imposed any sanctions nor has it participated in the implementation of the sanctions of any other country. Hence the request contained in the note of the Secretary-General regarding resolution 52/10 does not apply to Latvia.

Lebanon

[Original: English]
[23 March 1998]

1. The Government of Lebanon voted in favour of resolution 52/10, entitled "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba", adopted by the General Assembly on 5 November 1997.

2. Lebanon supports lifting the embargo against Cuba and the freezing of all measures adopted in that context which affect international free trade, navigation and economic cooperation in general and with Cuba, in particular.

Libyan Arab Jamahiriya

[Original: Arabic]
[31 July 1998]

1. Consistent with its support for General Assembly resolution 52/10, the Libyan Arab Jamahiriya is opposed to the economic, commercial and financial embargo imposed by the United States of America against Cuba on the grounds that it contravenes the Charter of the United Nations and the Organization's purposes and principles stipulating that Members shall settle their disputes by peaceful means.

2. In compliance with the purposes and principles of the Charter of the United Nations and out of respect for the norms of international law, the Libyan Arab Jamahiriya has not promulgated or applied any laws such as those referred to in the relevant paragraphs of General Assembly resolution 52/10.

3. For more than 1½ decades, the Libyan Arab Jamahiriya has been suffering from measures imposed on it by the United States of America, iniquitous measures similar to those imposed against Cuba. They have included the freezing of Libyan assets in American banks, the imposition of restrictions on the transfer of technology to Libya, and a prohibition on Libyan students pursuing advanced studies in technology at American universities. The United States Government has recently strengthened these measures under Public Law 3107 of 19 June 1996, which imposes penalties on persons or companies investing $40 million or more in Libya. Such investment might have made a major and direct contribution to strengthening Libya's ability to develop its petroleum resources. In the face of strong international condemnation, the United States Government continues to insist on applying this law, which is incompatible with any international convention or law.

4. Since the imposition of coercive measures is incompatible with the purposes of the United Nations and the principles of international law, the Libyan Arab Jamahiriya reaffirms the provisions of paragraphs 2 and 3 of Assembly resolution 52/10, and it urges the States concerned to refrain from promulgating and applying coercive measures of the kind imposed

on Cuba or any other country or to take the necessary steps to repeal or invalidate such laws and measures.

Liechtenstein

[Original: English]
[4 March 1998]

1. The Government of the Principality of Liechtenstein has not promulgated or applied any laws or measures of the kind referred to in the preamble to resolution 52/10.

2. The Government of Liechtenstein is furthermore of the view that legislation whose implementation entails measures or regulations having extraterritorial effects is inconsistent with generally recognized principles of international law.

Malawi

[Original: English]
[7 August 1998]

1. The Government of the Republic of Malawi has not promulgated any legislation whose extraterritorial effects would infringe upon the sovereignty of other States, the legitimate interests of entities or persons under their jurisdiction or the freedom of trade and navigation.

2. In addition, the Government of Malawi has consistently voted in favour of the resolution on the necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba.

Mexico

[Original: Spanish]
[29 July 1998]

1. The Government of Mexico, in full respect for the sovereignty of States and the principle of self-determination of peoples, and for the norms and principles which govern peaceful, friendly and cooperative relations among nations, believes that it is for the people of Cuba alone, in exercise of their inalienable rights, to continue to determine their political, economic and social organization in a free, sovereign and independent manner. For this reason, it has openly expressed its rejection of the use of force against Cuba, the imposition of political and economic sanctions and the regime of political and diplomatic isolation imposed against Cuba.

2. Mexico has supported all the resolutions adopted by the General Assembly concerning the necessity of ending the embargo, which it deems to be contrary to the principles of the Charter of the United Nations.

3. In full exercise of its right to establish trade links with other countries without subordinating itself to the will of third States, Mexico has reaffirmed in various international forums (the Organization of American States, the Rio Group, the Ibero-American Summit and the World Trade Organization) its strict rejection of the unilateral and extraterritorial application of such laws as the Helms-Burton Act. Accordingly, Mexico has maintained a non-discriminatory trade policy towards Cuba.

4. In view of the promulgation of the so-called Helms-Burton Act, the Government of Mexico has declared that the scope of the Act is unacceptable from the standpoint of international law, as it violates the principles and purposes of the Charter of the United Nations and runs counter to the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, contained in resolution 2625 (XXV) adopted unanimously by the General Assembly in 1970. In addition, the Act contravenes the provisions of the Agreement Establishing the World Trade Organization (WTO). It should also be noted that the Inter-American Juridical Committee, in fulfilment of resolution AG/doc.3375/9 of the General Assembly of the Organization of American States, entitled "Freedom of trade and investment in the hemisphere", unanimously concluded that the so-called Helms-Burton Act is not in conformity with international law.

5. Furthermore, on 19 September 1996 the Mexican Congress unanimously adopted the Act on Protection of Trade and Investment against Foreign Laws Which Violate International Law, better known as the "Antidote Act", which entered into force on 24 October 1996. Article 1 of this Act prohibits natural and legal persons, whether public or private, residing in the territory or subject to the laws of Mexico, from committing acts which affect trade or investment where such acts result from the extraterritorial effects of foreign laws. In this context, Mexico again calls on all States to abide by the provisions of international law and to seek a solution to international conflicts through dialogue, negotiation and tolerance.

Myanmar

[Original: English]
[11 May 1998]

1. Myanmar continues to reiterate its constant policy of strict compliance with the purposes and principles enshrined in the Charter of the United Nations and of scrupulous respect for, among other principles, the sovereign equality of States, non-intervention and non-interference in internal affairs and freedom of trade and international navigation.

2. The Union of Myanmar is of the view that the promulgation and application by Member States of laws and regulations the extraterritorial effects of which affect the sovereignty of other States, and the legitimate interests of entities or persons under their jurisdiction, and freedom of trade and of navigation violate the universally adopted principles of international law.

3. In this connection Myanmar is deeply concerned about the extraterritorial aspects of the laws enacted against the Republic of Cuba.

4. In conformity with the above, the Union of Myanmar has not promulgated any laws or regulations of the kind referred to in the preamble to General Assembly resolution 52/10.

Namibia

[Original: English]
[19 August 1998]

1. The Government of the Republic of Namibia believes in the sovereignty of each nation State and upholds the principles of non-interference in the internal affairs of other States.

2. The Government of the Republic of Namibia has never imposed any trade or commercial sanctions against Cuba. The Government of the Republic of Namibia condemns

the Helms-Burton Law, which has a wide extraterritorial nature. This law is a direct violation of State sovereignty, a serious breach of the principles of the Charter of the United Nations, international law and a violation of the rules of the international trade system.

3. The imposition of this blockade has brought immense suffering to the Cuban people, and Namibia will continue to actively support the lifting of the United States embargo against Cuba.

Norway

[Original: English]
[23 March 1998]

Norway has not enacted any economic embargo against Cuba or adopted other measures contradictory to General Assembly resolution 52/10.

Panama

[Original: Spanish]
[12 May 1998]

1. Panama has in various international forums declared its opposition to the growing tendency to seek to apply unilaterally domestic laws and measures which have extraterritorial effects on other States in the sphere of trade and international relations, as such measures are contrary to international law and violate the principles of legal equality among States, respect for and dignity of national sovereignty, and non-interference, and undermine harmonious coexistence among States.

2. The Panamanian Government, in the framework of the Permanent Mechanism for Consultation and Concerted Policy Action (Rio Group), approved the resolutions issued on 8 March and 4 October 1996 in which the Helms-Burton Act was emphatically rejected.

3. It should be noted that while the Republic of Panama is against the economic embargo which the United States has imposed on Cuba, it is in favour of the international community taking steps to persuade the Cuban Government to promote peaceful reforms that can guarantee the establishment of a multiparty democracy within Cuban society through the free exercise of the vote.

4. To an increasing and significant extent, the consolidation and development of democracy require positive international conditions – not only the strengthening of an ethic of cooperation and solidarity in international relations, which can ensure that the development efforts of countries are not thwarted by unjust economic and political circumstances or by the lack of resources, but also the conviction that democracy is the best system for attaining development and well-being. This, in turn, requires strong institutions and time-honoured methods based on confidence at both the international and the domestic levels.

5. Such confidence must be adequately rewarded by a growing interest in institutions of a new type which can provide cooperation on political as well as economic issues in order to strengthen the bonds of mutual cooperation between countries.

6. In this special and sensitive area lies one of the central elements of democratic consolidation and governance in the region. We believe that after the Pope's visit to Cuba,

the international community has growing confidence in the prospect of changes in that country's domestic policies.

7. Thus, in reviewing the actions or steps taken by Panama in connection with the blockade, we might note that the Republic of Panama and the Republic of Cuba established diplomatic relations on 17 April 1904, and that by means of Executive Decision No. 462, of 14 December 1961, the Panamanian Government declared that diplomatic relations between the Government of the Republic of Panama and the Government of the Republic of Cuba had been broken off. Subsequently, on 22 August 1974, a joint declaration was issued by the Governments of Panama and the Republic of Cuba, announcing the decision of the two countries to re-establish diplomatic relations, which were to remain at the ambassadorial level for the time being. Moreover, in terms of votes on this specific issue, it might be observed that on 12 November 1996 the General Assembly adopted resolution A/51/17, entitled "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba", and that it subsequently adopted resolution A/52/10 of 5 November 1997.

8. The delegation of Panama voted in favour of both resolutions.

9. Moreover, according to information supplied by the Directorate-General of International Organizations and Conferences, the Government of the Republic of Panama has not taken legislative or other measures to impose economic sanctions against Cuba which would undermine freedom of trade and navigation, in accordance with its obligations under the Charter of the United Nations and international law which establish, *inter alia*, freedom of trade and navigation.

10. The foregoing states and reaffirms Panama's opposition to the economic embargo against Cuba.

11. Consequently, with regard to the invitation from the Secretary-General, we deemed it appropriate, as part of the political consistency which Panama has demonstrated through its vote on various General Assembly resolutions on the item, to vote in favour of the aforesaid resolution.

12. It should be noted that the Directorate-General of International Organizations and Conferences has taken steps to conclude bilateral agreements (investment, aviation, solution in respect of granting visas to Cuban diplomats) as part of a policy of helping to promote political changes through cooperation with Cuba.

Papua New Guinea

[Original: English]
[29 June 1998]

1. Papua New Guinea has never applied laws or measures such as those referred to in paragraphs 2 and 3 of resolution 52/10.

2. Papua New Guinea has voted in favour of resolution 52/10 and maintains diplomatic relations with the Republic of Cuba.

Peru

[Original: Spanish]
[11 March 1998]

1. In Peru, no law or measure whatsoever of the kind referred to in resolution 52/10 either exists or is applied.

2. The position of the Government of Peru on this matter is based on the joint measures adopted by the Permanent Mechanism for Consultation and Concerted Political Action (Rio Group); on the Ibero-American Summits; on the Declaration on Respect for the Personality, Sovereignty and Independence of States adopted by the General Assembly of the Organization of American States on 2 June 1997; and on resolution CJI/RES/II-14/96, adopted unanimously by the Inter-American Juridical Committee, issued pursuant to resolution AG/RES.1364 (XXVI-0/96) of the General Assembly of the Organization of American States. In this connection, the Government of Peru rejects the unilateral and extraterritorial application of national laws and expresses its concern at the trend of imposing domestic laws, some of which are a violation of existing international law, on other countries.

3. The Government of Peru does not agree with unilateral positions aimed at influencing the internal political process of a given State and thereby infringing on its sovereignty. It believes that due respect for the national constitutional order is fundamental to international relations.

4. In the specific case of the so-called Helms-Burton Act, the Government of Peru welcomes the suspension of the application of its most controversial title and believes that this is a first step in the right direction. We hope to see substantial progress in the form of additional and supplementary measures.

5. Lastly, the Government of Peru wishes to reiterate its firm and steadfast adherence to the common objectives of democracy, respect for human rights and economic freedom.

Philippines

[Original: English]
[14 July 1998]

The Philippines has never applied laws or measures such as those referred to in paragraphs 2 and 3 of the resolution.

Poland

[Original: English]
[15 July 1998]

1. The Republic of Poland recognizes in international relations the significance of issues related to the observance of human rights and realization of civil liberties guaranteed by international law. In its bilateral relations with Cuba, Poland attaches importance to the realization of universally recognized standards of human rights and civil liberties. We believe that the Government of Cuba should respect those mechanisms and take more active steps towards democratization.

2. Poland welcomed with satisfaction the release of 300 Cuban political prisoners brought about as a result of the visit of Pope John Paul II to Cuba. We hope that the gradual opening

of Cuba to the world will contribute to political transformations in that country in accordance with democratic principles and allow Poland to intensify cooperation with Cuba in all areas.

3. Poland has not introduced and does not apply embargoes against Cuba. Poland maintains economic relations and wishes to develop trade with that country by seeking new forms of cooperation. Signing of agreements on investment protection and avoidance of double taxation would likely contribute to an increase in trade between the two countries, whose value in 1997 amounted to US $3 million. Poland is of the view that Cuban debt to Poland does not constitute an obstacle to the development of bilateral economic relations.

4. Poland has not signed an economic agreement with Cuba, because Poland does not enter into agreements of that kind with countries belonging to the World Trade Organization.

5. Poland is in favour of ending the embargo against Cuba. It shares the view of the European Union, according to which political transformations in Cuba should be supported by other means. The latest decision by the President of the United States concerning the provision of humanitarian assistance to Cuba is a step in the right direction. Poland hopes that the increase in international contacts with Cuba will result in the intensification of the reform process by the Government of Cuba.

Russian Federation

[Original: Russian and English]
[16 July 1998]

1. Since 1994, the Russian Federation has consistently supported General Assembly resolutions on the necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba. In doing so, it has been guided by the solid consensus that has emerged among the majority of States Members of the United Nations to the effect that the continuing trade and economic embargo against Cuba is a relic of the era of bloc confrontation.

2. We do not condone attempts to exert pressure on third countries in order to force them to limit their cooperation with Cuba through the implementation of the Cuban Liberty and Democratic Solidarity Act of 12 March 1996. Practically the entire international community has, with just cause, qualified the Act as discriminatory and contrary to the norms of international law and the principles of free trade.

3. We are convinced that the lifting of the embargo and a détente in relations between the United States and Cuba would undoubtedly strengthen regional stability. Cuba's full integration into the world economic system would facilitate its progress in instituting reforms.

4. In spite of the limited nature of the measures to liberalize regulations on humanitarian assistance to Cuba, announced by the United States on 20 March 1998, we believe that these measures are a step in the right direction.

5. As for the Russian Federation's own policy, the Russian Federation, guided by the principles of the sovereign equality of States, non-intervention and non-interference in their internal affairs, and freedom of international trade and navigation, which are mentioned in General Assembly resolution 52/10, reaffirms its intention to continue to develop normal trade and economic relations with Cuba, based on mutual interest and mutual advantage and carried out in strict accordance with generally accepted international norms, without any discrimination.

Slovenia

[Original: English]
[22 July 1998]

Slovenia has not promulgated or applied any laws or measures of the kind referred to in the preamble to General Assembly resolution 52/10.

Sudan

[Original: Arabic]
[9 July 1998]

1. The Government of the Sudan pursues a policy that respects and takes for its model the purposes and principles of the Charter of the United Nations and, in particular, the principle of the sovereign equality of States and non-interference in the internal affairs of others. Consistent with its principled stand, the Sudan, which opposes the imposition of sanctions on developing countries, voted in favour of General Assembly resolution 52/10, as did the majority of States. The Government of the Sudan reaffirms that it does not promulgate or apply any laws or measures that could, by being applied outside its own national borders, affect the sovereignty of any other State.

2. On the basis of the foregoing, the Sudan opposes the economic and commercial embargo imposed by the United States against Cuba, which has caused great damage to the Cuban people and violated its legitimate rights and interests, being a flagrant violation of international law and the Charter of the United Nations and showing disregard for their lofty and noble purposes and principles.

3. The Sudan itself is suffering from the unilateral economic sanctions imposed on it by the United States pursuant to the executive order signed by President Clinton in early November 1997. It was unfortunate that the United States, in order to exert pressure on the Government of the Sudan, imposed these sanctions on the basis of ungrounded suspicions and accusations that have remained unsubstantiated for more than seven years. The sanctions are in violation of the Government's legitimate right to make social and development choices in the light of its national particularities.

Suriname

[Original: English]
[1 July 1998]

The Government of the Republic of Suriname has not promulgated or applied any laws and measures of the kind referred to in the preamble to resolution 52/10

Syrian Arab Republic

[Original: Arabic]
[30 March 1998]

The Syrian Arab Republic, in accordance with its position of principle on the item entitled "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba", voted in favour of General Assembly resolution 52/10, which reaffirms the necessity of compliance with the purposes and principles enshrined in the Charter of the United Nations and the principles of the sovereign equality of States, non-interference in their internal affairs and freedom of international trade and navigation. It also urges States to take the necessary steps, as soon as possible, to end the economic, commercial and financial embargo that has been maintained against Cuba for more than 30 years. The Syrian Arab Republic draws attention to the final communiqué of the Twelfth Ministerial Conference of the Movement of Non-Aligned Countries held in New Delhi on 8 April 1997, which called on the Government of the United States of America to put an end to trade and financial measures and actions against Cuba, which cause huge material losses and economic prejudice. The communiqué also called upon the United States to settle its dispute with Cuba by means of negotiations on a basis of equality and mutual respect.

Trinidad and Tobago

[Original: English]
[16 July 1998]

Trinidad and Tobago has not adopted any law or measure restricting trade or other economic relations with Cuba.

Turkey

[Original: English]
[3 April 1998]

1. The Republic of Turkey does not have any laws or measures of the kind referred to in the preamble to General Assembly resolution 52/10 and reaffirms its adherence to the principle of freedom of trade and navigation, in conformity with the Charter of the United Nations and international law.

2. The Government of Turkey is of the view that differences and problems between States should be settled through dialogue and negotiation.

Ukraine

[Original: English]
[18 May 1998]

1. Ukraine does not have any legislation or regulations whose extraterritorial effects could affect the sovereignty of other States and the legitimate interests of entities or persons under their jurisdiction, or the freedom of trade and international navigation.

2. Equally, the Government of Ukraine does not accept the use of economic measures as a means of achieving political aims and upholds, in its relations with other countries, the

fundamental principles of the Charter of the United Nations, the norms of international law and the freedom of trade and navigation.

United Kingdom of Great Britain and Northern Ireland (representing the Presidency of the Council of Ministers of the European Union)

[Original: English]
[25 June 1998]

1. The European Union believes that United States trade policy towards Cuba is principally a matter for those two Governments. But the European Union and its Member States have made clear their opposition to the extraterritorial extension of the United States embargo, such as that contained in the Cuban Democracy Act of 1992 and the Helms-Burton Act of 1996.

2. In November 1996, the Council of Ministers of the European Union adopted a regulation and a joint action to protect the interests of natural or legal persons resident in the European Union against the extraterritorial effects of the Helms-Burton legislation which prohibit compliance with that legislation. On 18 May 1998, at the European Union/United States summit in London, a package was agreed covering waivers to Titles III and IV of the Helms-Burton Act; a commitment by the United States administration to resist future extraterritorial legislation of that kind; and an understanding with respect to disciplines for the strengthening of investment protection.

United Republic of Tanzania

[Original: English]
[15 April 1998]

The Government of the United Republic of Tanzania fully endorses resolution 52/10 and subsequently does not have or apply any laws or measures that might in any manner or form constitute or contribute to the imposition of an economic, commercial or financial embargo against Cuba.

Uruguay

[Original: Spanish]
[8 July 1998]

Since Uruguay has traditionally maintained a foreign policy which promotes freedom of trade without any type of restrictions and, for its part, does not recognize in its legislation the extraterritorial application of domestic laws, the Government of the Eastern Republic of Uruguay has not applied any measures or laws of the kind referred to in the preamble to resolution 52/10.

Venezuela

[Original: Spanish]
[17 July 1998]

1. The Government of Venezuela has repeatedly expressed its concern at the application of national laws and regulations, the extraterritorial effects of which affect the sovereignty of States and the legitimate interests of entities and citizens under their jurisdiction, and which therefore undermine the rules of free trade between nations.

2. Proof of our respect for these principles of peaceful coexistence and for the fundamental purposes of the Charter of the United Nations lies in the vote by Venezuela in favour of the condemnatory resolutions adopted by the General Assembly since 1992. In conformity with the declarations made by the General Assembly, we reiterate our disagreement with the application of unilateral coercive measures, which are incompatible with the basic principles and norms of public international law governing friendly relations between peoples. These principles are set out in the Charter of the United Nations and other international instruments, including General Assembly resolution 2625 (XXV), entitled "Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States".

3. Venezuela considers also that such unilateral coercive measures have an adverse impact on the legal regime which defines economic and trade relations between States, as set out in the Agreement Establishing the World Trade Organization (WTO), and also affect economic integration efforts at the continental and subregional levels.

4. Our position on this matter was further reflected in the final document of the summit meeting of the Rio Group, held in Asunción, Paraguay, in August 1997, at which the assembled delegates once again rejected in the strongest terms the unilateral and extraterritorial application of national laws as actions which violate national sovereignty, a basic principle of international law contained in the Charter of the United Nations. A similar spirit is reflected in the Declaration on Unilateral Measures adopted at that meeting, the text of which also states: "Within the sphere of international relations, these measures adversely affect trade, investment and cooperation."

Viet Nam

[Original: English]
[20 April 1998]

1. The General Assembly of the United Nations has adopted many resolutions requesting the United States of America to end its policies and laws of economic, commercial and financial blockade and embargo against the Republic of Cuba, because they are contrary to the basic principles of the Charter of the United Nations and seriously violate international law – in particular, that of freedom of international trade and navigation.

2. The resolutions of the General Assembly of the United Nations, especially resolution 52/10, adopted by an overwhelming majority, reflect the deep concern of United Nations Member States and the entire international community and their strong opposition to the extraterritorial and confrontational nature in those policies and measures of the United States against Cuba. They also reflect the common desire to build healthy international relations and cooperation among States, on the basis of equality, a non-discriminatory political system and respect for the right of every nation to choose its path towards development.

3. The dispute between the United States of America and the Republic of Cuba should be resolved through dialogue and negotiation, in the spirit of mutual respect and respect for independence and sovereignty and non-interference in the internal affairs of States. Viet Nam, therefore, welcomes efforts of the concerned parties in that direction.

4. The United Nations should take concrete measures and initiatives to ensure that the General Assembly resolutions are implemented quickly, in order to put an early end to the unilateral embargo policies against the Republic of Cuba.

5. Once again, Viet Nam reaffirms its friendship, cooperation and solidarity with the Cuban people. With other peace-loving, freedom-loving and justice-loving nations in the world, Viet Nam will do its best to assist the Cuban people to overcome the consequences of the above-mentioned unjust blockade and embargo policy.

Zimbabwe

[Original: English]
[23 March 1998]

The Republic of Zimbabwe has never imposed any type of economic, commercial or financial embargo against Cuba.

III. Observer missions to the United Nations

Holy See

[Original: English]
[7 May 1998]

1. The Permanent Observer Mission of the Holy See wishes to note the call made by His Holiness Pope John Paul II during his visit to Cuba from 21 to 25 January of this year. In his speech following his arrival at Jose Martí Airport, the Holy Father stated, "May Cuba, with all its magnificent potential, open itself up to the world, and may the world open itself up to Cuba, so that this people, which is working to make progress and which longs for concord and peace, may look to the future with hope."

2. In his remarks as he prepared to depart from Cuba, Pope John Paul II again addressed this issue when he said, "In our day, no nation can live in isolation. The Cuban people therefore cannot be denied the contacts with other peoples necessary for economic, social and cultural development, especially when the imposed isolation strikes the population indiscriminately, making it ever more difficult for the weakest to enjoy the bare essentials of decent living, things such as food, health and education. All can and should take practical steps to bring about changes in this regard. May nations, and especially those which share the same Christian heritage and the same language, work effectively to extend the benefits of unity and harmony, to join efforts and to overcome obstacles so that the Cuban people, as the active agents of their own history, may maintain international relations which promote the common good. In this way they will be helped to overcome the suffering caused by material and moral poverty, the roots of which may be found, among other things, in unjust inequalities, in limitations to fundamental freedoms, in depersonalization and the discouragement of individuals, and in oppressive economic measures, unjust and ethically unacceptable, imposed from outside the country."

IV. Replies received from organs and agencies of the United Nations system

Office of the Resident Coordinator of the United Nations system's operational activities for development

[Original: English]
[30 June 1998]

1. The relationship with the United States continued to press hard on the socio-economic situation of Cuba throughout 1997. During the first half of 1998, there have been some signs of easing in the relations between Cuba and the United States, with the announcement by the United States Administration of a few measures aiming at re-establishing direct flights and the transfer of limited funds by United States residents to their families in Cuba and reducing restrictions for the shipment to Cuba of humanitarian donations of medicines and foodstuffs. Also, an agreement was reached allowing Cuban commercial airlines to overfly the United States territory. Regarding the extraterritorial legislation adopted by the United States Congress to strengthen the embargo, the so-called Helms-Burton Act has turned into a source of recurrent dispute with the European Union, although some kind of agreement was reached in the first half of 1998 to limit its effects on European interests along parameters that still remain unclear.

2. Despite the above, the United States embargo and the related legislation continue to hinder the recovery process of the Cuban economy and consequently to impede the normal functioning of social services, affecting the living conditions of the Cuban population. Beyond the already analysed effects of the United States embargo on the economy in terms of direct and/or indirect costs to external trade, maritime transport, provision of services and effective access to materials and/or equipment of critical importance for the country, the continuation of the embargo and maintenance of the extraterritorial legislation – even partly mitigated – constitute a global deterrent for the smooth development of capital investment flows to Cuba and for Cuba's access to loans and commercial credits on regular terms. Moreover, the provisions contained in the United States legislation, aimed at preventing general access of Cuba to concessional lending and the return of Cuba to the Bretton Woods institutions, constitute an additional obstacle to the required rehabilitation of the national infrastructure and further development of the economy. In addition, such provisions prevent Cuba from having access to global settlement mechanisms for a possible rescheduling and/or restructuring of its external debt.

3. Altogether, the United States embargo and its support machinery continue to form a significant obstacle to the recovery of the Cuban economy and the satisfaction of basic social needs.

4. To comply with their respective mandates while addressing the overall situation of Cuba, the programmes, funds and specialized agencies represented in the country are currently working along the following fundamental lines:

(a) Supporting the consolidation and further improvement of social services while alleviating bottlenecks to basic needs;

(b) Supporting the economic recovery process through the promotion of a conducive environment and the development of new managerial systems;

(c) Promoting cooperation between Cuba and the rest of the world in the respective mandates of each of the United Nations organizations.

5. Achievements in these areas include the design and approval of new programmes addressing the most critical issues. Progress in the first area is particularly noticeable in the health and sanitation sector. In the second area, a new large-scale project was approved in early 1998 to support a series of measures and institutional changes for supporting the recovery of the Cuban economy. In the third area, a large range of activities within the respective mandates was undertaken, to promote contacts and cooperation with the outside world.

6. Although strategically oriented and catalytic, the support provided by the United Nations organizations cannot compensate – by nature or volume – for the shortage of capital flows and concessional lending that are required in order to foster the recovery of the Cuban economy and further develop the country. The United States embargo against Cuba remains a major issue for the development of that country, requiring therefore continued attention by the international community.

United Nations Children's Fund

[Original: English]
[17 August 1998]

1. The situation of children in Cuba continues to be adversely affected by a number of internal and external factors, including the embargo. As in the majority of such situations, it is very difficult to separate the combined negative effects of those factors.

2. In spite of its current difficulties, Cuba enjoys high levels of health and education among countries in the Latin American and Caribbean region. The infant mortality rate in 1997 was estimated at 7.4 per 1,000 live births, which is comparable to the rate in developed countries. Nevertheless, the country faces increasing difficulties in preserving the level of expenditures in the social sector, historically very high (in 1996, 9.8 per cent of GNP).

3. The situation of services in the public health system is critical due to the lack of essential medicines – for instance, antibiotics such as penicillin – and other products needed for the sterilization of instruments and equipment. Furthermore, fuel shortages, electricity failures, the limited capacity of refrigeration, and transportation problems are hindering the implementation of health programmes.

4. Women's health services, in particular, continue to be in serious decline. The routine screening programmes for detection of breast cancer have been discontinued due to a shortage of material recommended by WHO for X-rays. Mammograms are now used only for women recognized as at high risk for breast cancer. Today, only two or three surgical interventions are performed daily, which represents a dramatic drop from the 15 surgical interventions performed during the 1980s. Women's daily lives and well-being are affected also by a lack of access to sanitary pads: only 20 per cent of the demand can be adequately satisfied. The remaining 80 per cent must resort to the use of inadequate materials and fabrics, sometimes not disposable.

5. Access to drugs for sero-positive patients and the monitoring of patients' conditions remains severely limited. The Government of Cuba has found it virtually impossible to obtain the medical drugs and supplies needed from multinational pharmaceutical companies for certain tests and treatment.

6. Access to clean water remains a serious health concern for more than 2 million children living in cities of more than 100,000 inhabitants. About 72 per cent of the drinking water

has to be treated with chlorine, but the lack of chemical supplies has led to the closing of 46 per cent of the installations.

United Nations Development Programme

[Original: English]
[8 July 1998]

1. As reported by the Secretary-General at the fifty-second session of the General Assembly, the UNDP country cooperation framework with Cuba for the period 1997–2001 addresses key development issues faced by the country in the context of the United States embargo. As such, the priority areas relate primarily to the economic recovery of the country, focusing on the consolidation and development of the social sector; restructuring of the productive sectors; support to the economic recovery process; and protection of the environment and rational use of natural resources.

2. During 1997–1998, the first initiatives under the country cooperation framework were approved and are currently under implementation.

3. Among the most important is the assistance to be provided to the economic recovery programme, which will assist the efforts of the Government in its reform process and institutional changes by strengthening the capacity and human resources of the four main institutions involved in the macroeconomic management of the country. The UNDP assistance will concentrate on the introduction of modern methodologies and develop core capacities for economic analysis and policy development, public finance, central banking functions, and labour legislation and management of the social security system. The programme will facilitate exchange of experiences with and training in selected Latin American countries.

4. Support to the information technologies programme in higher education was another initiative approved in 1997. The UNDP assistance in that area will focus on raising the capacity, at the international level, of institutions of higher education with regard to the post-graduate training of professionals, managers, instructors and students in information technology.

5. During 1998, four other UNDP interventions are expected to be approved and start operation – namely, support to the commercialization of biotechnology products; development of solar energy and energy efficiency; food security for vulnerable groups; and human development at the local level in selected, economically depressed areas of the country.

Economic Commission for Latin America and the Caribbean

[Original: Spanish]
[24 July 1998]

As you know, in recent years ECLAC has carried out a number of technical assistance and human resources training activities in Cuba. The most important result of this collaboration has been the publication of a book entitled *La economía cubana: Reformas estructurales y desempeño económico en los noventa*, which analyses the impact of the economic, trade and financial embargo imposed by the United States of America on Cuban economic realities. ECLAC has made this analysis available to the relevant United Nations bodies.

United Nations Population Fund

[Original: English]
[17 August 1998]

1. Cuba is classified by UNFPA as a C country – that is, one with the least need of UNFPA assistance, due to relatively good health and education standards. However, the current critical economic situation has placed several constraints on the basic social services in the country. As a result, UNFPA is providing Cuba with assistance aimed at preserving its achievements, particularly in the area of reproductive health and family planning.

2. In the context of its cooperation programme, UNFPA provides limited assistance for the supply of condoms and other contraceptives, to alleviate their acute shortage in Cuba, and is helping to enhance sexual education in schools and communities. The aim is to avoid unwanted pregnancies, especially among teenagers, and to curb the high abortion rate which has been rising during these years of shortage.

3. UNFPA is also cooperating with Cuba in the prevention of HIV/AIDS. Together with other United Nations agencies and programmes, UNFPA supports national efforts to contain the spread of the disease, mainly through a limited supply of condoms and through information and education campaigns.

4. Because of the embargo, Cuba has no access to the United States market and is therefore forced to purchase the needed commodities from more distant markets. The added surcharges have reduced even further Cuba's purchasing power.

World Health Organization

[Original: English]
[10 August 1998]

According to health statistics available to the World Health Organization, the overall health status of Cubans is among the highest in Latin America. For example, in 1997 the infant mortality rate was 7.9 per 1,000 live births and the life expectancy at birth was 76.0 years – in both cases, not far behind the developed countries. This relatively favourable situation is a result of the priority that the Government of Cuba has placed on health and the investments that it has made in health services. At the same time, Cuba's economy has had serious difficulties, especially since the breakup of the Soviet Union.

It is in such a context that one must assess the impact of the economic embargo imposed by the United States of America on the health of the Cuban people. The Government of Cuba notes that medical equipment, supplies and drugs are impossible or difficult to obtain, and those that are available are more expensive than elsewhere.

The Government of Cuba cites the following specific impacts of the embargo on the health of Cubans:

(a) Because the country has been unable to replace manufactured equipment from the United States for the chlorination of water supplies, chlorination facilities have had to be shut down in a number of municipalities, with a resultant increase in diarrhoeal diseases. It has been difficult to maintain other infrastructure for the water systems because of difficulty in getting replacement parts;

(b) It is difficult – if not impossible – to purchase modern drugs that are manufactured only in the United States or have a significant component made there. Such

drugs are used for the treatment of cancer, HIV/AIDS, drug-resistant infections, and other diseases;

(c) The number of surgeries performed in Cuba has declined because of shortages of modern anaesthetics and equipment;

(d) Cuban patients with cardiac disease, renal failure, and other chronic conditions are not able to obtain the latest equipment or the drugs that are needed to treat their conditions optimally;

(e) While the provisions of the embargo allow for the exportation by United States companies and their affiliates of equipment, supplies, and drugs for humanitarian and medical purposes, the requirements for obtaining an export license lead to delays and, therefore, applications are seldom made by the commercial sector.

Thus, of necessity, the embargo has a negative impact on the health of Cubans.